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HARTMAN AND HARTMAN, P.C.
INTELLECTUAL PROPERTY ATTORNEYS
552 EAST 700 NORTH
VALPARAISO, INDIANA 46383

GARY M. HARTMAN
DOMENICA N.S. HARTMAN*

* Also Admitted to Practice in Michigan

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TEL:(219)462-4999
FAX:(219)464-1166

APR 28 2004

April 28, 2004

To: Assistant Commissioner for Patents
Washington, D.C. 20231
FAX # (703) 872-9306

Attention: Examiner KIMBERLY S. SMITH
Group Art Unit 3644
Phone Number: (703) 305-8515

Re: **OFFICIAL COMMUNICATION UNDER 37 CFR §1.111**

The following is an OFFICIAL COMMUNICATION filed in the below-identified U.S. Patent Application.

Application No. : 09/700,863
Applicant : Philip E. Howse
Filed: : November 21, 2000
TC/Art Unit: : 3644
Examiner : Kimberly S. Smith

Confirmation No. 2839

Docket No. : A0-1269

Submitted by:
Gary M. Hartman
Reg. No. 33,898

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 Gary M. Hartman	Date: April 28, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. :	09/700,863	Confirmation No. 2839
Applicant :	Philip E. Howse	
Filed: :	November 21, 2000	
TC/Art Unit: :	3644	
Examiner :	Kimberly S. Smith	
Docket No. :	A0-1269	
Customer No. :	27127	

COMMUNICATION UNDER 37 CFR §1.111

Assistant Commissioner for Patents
Washington, D.C. 20231

Please find attached a Declaration under 37 CFR §1.132, signed by applicant Philip E. Howse for consideration by the Examiner. Applicant Howse's Declaration is in response to rejections set forth in an Office Action dated August 12, 2003 (Paper No. 8).

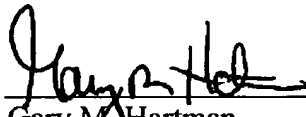
Application No. 09/700,863
Docket No. A0-1269
Communication dated April 28, 2004

As the sole inventor of the present application and each of the Howse documents applied by the Examiner under the outstanding rejections, Applicant Howse submits his Declaration for the purpose of clarifying various issues in dispute, particularly regarding the Examiner's interpretation of the Howse documents. For example, Applicant Howse attests through his Declaration that his traps disclosed in the Howse documents require the use electrostatically-charged particles. Applicant Howse's Declaration also addresses the Examiner's argument that the particles described in the Howse documents "may become electrostatically charged during operation," which the Examiner based on the following phrase at column 4, lines 8-13, of Howse: "Frictional charging of the particles . . . may take place . . . during operation." As the sole inventor of the Howse documents, Applicant Howse is in the unique position to both explain what was meant by this phrase, as well as how one skilled in the art would interpret this phrase. In his Declaration, Applicant Howse explains why the particles disclosed in the Howse documents must be electrostatically charged prior to use of the disclosed trap, and are not rendered airborne in the manner required by the present claims, regardless of how fine Howse's particles may be.

Application No. 09/700,863
Docket No. A0-1269
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Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

By 
Gary M. Hartman
Reg. No. 33,898

April 28, 2004
Hartman & Hartman, P.C.
Valparaiso, Indiana 46383
TEL.: (219) 462-4999
FAX: (219) 464-1166

Attachment: Declaration under 37 CFR 1.132